



Tiffany A. Blofield
Tel 612.259.9719
Fax 612.677.3101
blofieldt@gtlaw.com

April 4, 2025

Hon. Louis L. Stanton
U.S. Courthouse
500 Pearl Street
New York, NY 10007

FILED VIA CM/ECF

Re: *Apollo Healthcare Corp. v. Sol de Janeiro USA Inc., et al*, No. 1:22-cv-07719-LLS

Dear Honorable Judge Stanton:

We represent Apollo Healthcare Corp. and Costco Wholesale Corp. (collectively “Apollo”). This correspondence follows the March 28, 2025 Pre-trial Conference.

During the Pre-trial Conference, Your Honor indicated Apollo would be allowed to conduct discovery concerning the Authentix and Navee brand enforcement reports that SDJ failed to produce until just 30 days before the scheduled Final Pre-trial Conference. SDJ still has not provided the names of the Authentix and Navee representatives that prepared these reports or their addresses. Moreover, SDJ has not produced any of the correspondence to or from Authentix and/or Navee.

As we explained during the Pre-trial Conference, the reports contain references to communications between Authentix/Navee and SDJ’s affiliates. For example, the May 2024 Authentix report has a “Clients’ comments” section that states: “For the US: please note that we filed a 3d [3-dimensional] mark for the BRAZILIAN BUM BUM shape in the US.” (SDJ0003638) The USPTO later issued a Final Refusal for this application, because SDJ’s application for its purported 3-dimensional trade dress included functional matter – “the shape of the screw-on cap and the shape of the rounded jar” – that “cannot be protected as a trademark.” (Apollo0005608-09)

We understood that Your Honor felt the correspondence between Apollo and Authentix and/or Navee would be of some use in evaluating the evidence in support of Apollo’s upcoming motion for summary judgment to dismiss SDJ’s purported unregistered trade dress on functionality grounds. (Pre-trial Conf. Tr. 42:14-43:4; *see* 47:6-8.) Accordingly, we respectfully request that Your Honor order SDJ to produce the following information on or before the close of business on Friday, April 11, 2025:

1. The names and addresses of the Authentix representatives SDJ and/or its affiliates communicated with concerning brand enforcement issues;

Greenberg Traurig, LLP | Attorneys at Law

90 South Seventh Street | Suite 3500 | Minneapolis, Minnesota 55402 | T +1 612.259.9700 | F +1 612.677.3101

Albany. Amsterdam. Atlanta. Austin. Berlin. Boston. Charlotte. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Houston. Las Vegas. London. Long Island. Los Angeles. Mexico City. Miami. Milan. Minneapolis. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Portland. Sacramento. Salt Lake City. San Diego. San Francisco. Seoul. Shanghai. Silicon Valley. Singapore. Tallahassee. Tampa. Tel Aviv. Tokyo. Warsaw. Washington, D.C. West Palm Beach. Westchester County.

Operates as: ¹Greenberg Traurig Germany, LLP; ²A separate UK registered legal entity; ³Greenberg Traurig, S.C.; ⁴Greenberg Traurig Santa Maria; ⁵Greenberg Traurig LLP Foreign Legal Consultant Office; ⁶Greenberg Traurig Singapore LLP; ⁷A branch of Greenberg Traurig, P.A., Florida, USA; ⁸GT Tokyo Horitsu Jimusho and Greenberg Traurig Gaiokuhojimubegoshi Jimusho; ⁹Greenberg Traurig Nowakowska-Zimoch Wysokinski sp.k.

April 4, 2025

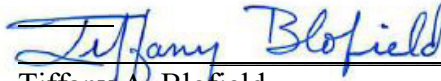
Page 2

2. The names and addresses of the Navee representatives SDJ and/or its affiliates communicated with concerning brand enforcement issues;
3. The correspondence between Authentix representatives and SDJ and/or its affiliates' representatives concerning brand enforcement issues;
4. The correspondence between Navee representatives and SDJ and/or its affiliates' representatives concerning brand enforcement issues.¹

Alternatively, if the Court would prefer to see a formal motion to compel discovery, Apollo respectfully requests that the Court grant Apollo permission to file that formal motion.

Apollo requests that the Court order SDJ to produce this information within one week so that the depositions can proceed, and Apollo can bring its summary judgment motion as soon as possible.

Respectfully submitted,


Tiffany A. Blofield

*Attorneys for Apollo Healthcare Corp. d/b/a Apollo
Health and Beauty Care and Costco Wholesale Corp.*

¹ Apollo requested this information on three prior occasions. Unfortunately, on April 2, 2025, SDJ's counsel informed us that SDJ would not produce it.